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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,911	01/22/2001	Lalit Narayan	B41-003	2508

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EXAMINER

HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/766,911

Applicant(s)

NARAYAN ET AL.

Examiner

Lalita M. Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03092001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Alai (6,199,050).

Alai discloses a method and corresponding system having a computer and electronic communication means for bidding in electronic auctions comprising receiving, from a first market participant, a quotation for a reserve price on a tradable commodity, also receiving, from said first market participant, an activity rule specifying when receipt of quotes from second market participants for said tradable commodity is to be terminated, after receiving of said quotation and said activity rule from said first market participant, receiving quotes from said second market participants regarding said tradable commodity, pursuant to said activity rule, automatically terminating the receipt of quotes from said second market participants for said tradable commodity, selecting a best one of said quotes meeting said reserve price, and closing a trade with the one of said second market participants placing said best one of said quotes, said trade including an effective exchange of said tradable commodity (col.3, lines 45-65;

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col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); activity rule specifies a time interval, further comprising counting out said time interval and terminating receipt of quotes from said second market participants upon lapse of said time interval (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); activity rule further specifies an event that commences counting of said time interval, further comprising waiting for occurrence of said event and commencing counting of said time interval upon occurrence of said event (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); event is receipt of a quote meeting said reserve price (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); quotation is an actionable quotation, further comprising receiving a plurality of quotations from said first market participant prior to receipt of a first one of said quotes, said actionable quotation being a last-received one of said plurality of quotations received prior to receipt of said first one of said quotes, whereby said first market participant is able to reset transaction parameters prior to receipt of said first one of said quotes (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); activity rule is an actionable activity rule, further comprising receiving a plurality of activity rules from said first market participant prior to receipt of a first one of said quotes, said actionable activity rule being a last-received one of said plurality of activity rules received prior to receipt of said first one of said quotes, whereby said first market participant is able to reset transaction parameters prior to receipt of said first one of said

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quotes prior to receipt of said quotation, the receiving of said activity rule including an indication of acceptance of said time interval by said first market participant (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); event is receipt of said quotation and said activity rule (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); the receiving of said quotation, the receiving of said activity rule, the receiving of said quotes, the terminating of the receipt of quotes from said second market participants, and the selecting of said best one of said quotes are all performed automatically in the absence of operator intervention (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); the receiving of said activity rule, and the receiving of said quotes all include the receiving of signals over a global computer network (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); transmitting information to said first market participant and said second market participant via World Wide Web (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); tradable commodity is characterized by multiple identical units having standardized features and comprehensively measurable parameters (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); tradable commodity is a financial instrument having a secondary market (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); tradable commodity is taken from the group consisting of a stock, a bond, a future, an option, and an annuity

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(col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); reserve price is a minimum selling price for said tradable commodity, said quotes including bids for said tradable commodity, the selecting of said best one of said quotes including determining whether one of said bids is highest (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); reserve price is a maximum buying price for said tradable commodity, said quotes including asks for said tradable commodity, the selecting of said best one of said quotes including determining whether one of said asks is lowest (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); the closing of said trade includes trading said tradable commodity at a price included in said best one of said quotes (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); the closing of said trade includes trading said tradable commodity at a price included in a next best one of said quotes (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3); and receiving of said activity rule includes predetermining said activity rule and receiving, from said first market participant, and a sign indicating acceptance of the predetermined activity rule (col.3, lines 45-65; col.8, line 55 to col.10, line 18; col.11, line 25 to col.12, line 40; and col.20, line 53 to col.22, line 3).

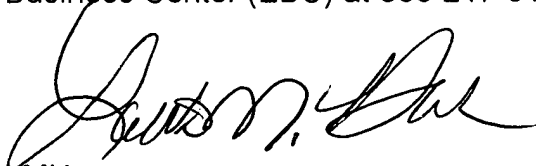
### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Friend (2001/0032165).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



LMH